

BILL NO. Z-87- 11-19

ZONING MAP ORDINANCE NO. Z-

Withermon

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. O-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of the West Half of the Southeast Quarter of
Section 24, Township 31 North, Range 12 East, Allen
County, Indiana, more particularly described as
follows:

Commencing at a point on the East line of the West half
of the Southeast Quarter of Section 24, Township 31
North, Range 12 East, Allen County, Indiana, said point
being 40 feet North of 02 degrees 12 minutes 46 seconds
West of the Southeast corner of the W 1/2 of the SE 1/4
of Sec. 24-31-12; thence South 87 degrees 55 minutes 18
seconds West along the North right of way line of
California Road a distance of 508.70 feet to the true
point of beginning; thence South 87 degrees 55 minutes
18 seconds West along the North right of way line of
California Road a distance of 294.95 feet; thence North
02 degrees 04 minutes 42 seconds East a distance of
221.53 feet; thence North 87 degrees 55 minutes 18
seconds East a distance of 294.95 feet; thence South 02
degrees 04 minutes 42 seconds West a distance of 221.53
feet to the point of beginning, containing 1.5 acres.

and the symbols of the City of Fort Wayne Zoning Map No.
O-26, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet Y. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M.

DATE: 11-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indian
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

CK# 138

No 2744

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10-21-87

RECEIVED FROM Hartman Construction \$ 50.00

THE SUM OF fifty 00/ DOLLARS

ON ACCOUNT OF

R 3 to 10/B. 1215 California Fort B.

AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We James A. Poinsatte
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an R-3 District to a/an B-1-B
District the property described as follows:

Part of the west half of the Southeast Quarter of Section 24,
Township 31 North, Range 12 East, Allen County, Indiana,
more particularly described as follows:

Commencing at a point on the East line of the West half of the
Southeast Quarter of Section 24, Township 31 North, Range 12 East,
Allen County, Indiana, said point being 40 feet North 02 degrees
12 minutes 46 seconds West of the Southeast corner of the W1/2

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1215 California Road, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

James A. Poinsatte

2928 Farnsworth Dr.

James A. Poinsatte

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Hartzog Construction
(Name)

2015 Lawndale Drive
(Address & Zip Code)

483-4591
(Telephone Number)

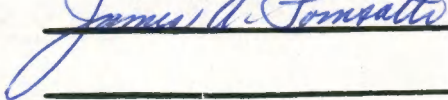
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

(cont'd.) of the SE 1/4 of Sec. 24-31-12: thence South 87- degrees 55 minutes 18 seconds West along the North right of way line of California Road a distance of 508.70 feet to the true point of beginning; thence South 87 degrees 55 minutes 18 seconds West along the North right of way line of California Road a distance of 294.95 feet; thence North 02 degrees 04 minutes 42 seconds East a distance of 221.53 feet; thence North 87 degrees 55 minutes 18 seconds East a distance of 294.95 feet; thence South 02 degrees 04 minutes 42 seconds West a distance of 221.53 feet to the point of beginning, containing 1.5 acres.

Owners of Property

James A. Poinsett	2928 Farnsworth Drive	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-11-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

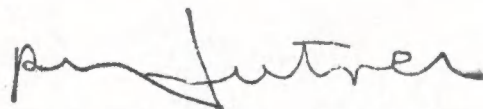
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 23, 1987.

Certified and signed this
1st day of December 1987.



Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1215 California Road

3-87-11-19

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-11-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment
From R-3 to B-1-B

DETAILS**Specific Location and/or Address**

1215 California Road

Reason for Project

School Gymnastics

Discussion (Including relationship to other Council actions)

16 November 1987 - Public Hearing

Al Zacher, representing the petitioners stated that this land was part of a 75 acre parcel that was started to be developed around 1968. He stated that it began with University Park Medical Clinic Corp., on the north and followed by several other medical buildings in the area and a nursing home, now a savings and loan association and going south apartments were built and then a restaurant and shopping center, which covers the entire area facing both Clinton and Parnell. He stated that they are addressing the rezoning of about half of a three acre parcel along California Road. He stated that the property is bounded on the north by the apartments, on the west by a shopping center and the Red Cross to the south. Mr. Zacher stated that the usage proposed for the property is a Gymnastics School that would also teach aerobics and dance lessons. He stated that the school is now being conducted at Trinity Episcopal Church. He showed a sketch of the proposed structure and stated that it represented more an office type appearance. He stated that they regret the fact that they require

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
UPD Inc / Jim Poinsette
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☐ For ☒ Against**Reason Against**

-approval would have adverse
impact on area
-approval would make it
difficult to deny other

**Board or
Commission
Recommendation**

By request

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

a zoning as dense as B-1-B. He stated that unfortunately a school of this category must go into a B1B zone unless it is accredited in some fashion. He stated that both the owners and the purchasers would be willing to place a restrictive covenant on the land, but he was of the understanding that was no longer in keeping with the policy of the Commission, however, that would be available if requested. He stated the purchasers have no interest in any of the other activities allowed in a B1B other than the school. He stated the developers have acknowledged a need for screening to the north. He stated that they would have approximately 30 students in attendance at one time. He stated that with the shallow depth of the land it would not be conducive to multi-family use.

John Shoaff questioned if the plan presented to the Commission implied future expansion of the school and not a change of use.

Mr. Zacher stated it would be expansion of the school.

John Shoaff questioned if they expanded if there would be adequate parking.

Mr. Zacher stated there would be.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the nine (9) members present 8 voted in favor of the motion one (1) did not vote.

NOTE: The petitioner has requested that this request be WITHDRAWN. The letter of Withdrawal is attached.

Project Start

Date 21 October 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Date 1 December 1987

Patricia Biancaniello

Reviewed by

Date

December 10, 1987

Reference or Case Number

BILL NO. Z-87-11-19

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. 0-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) TO BE WITHDRAWN

YES

NO

JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 12-22-87

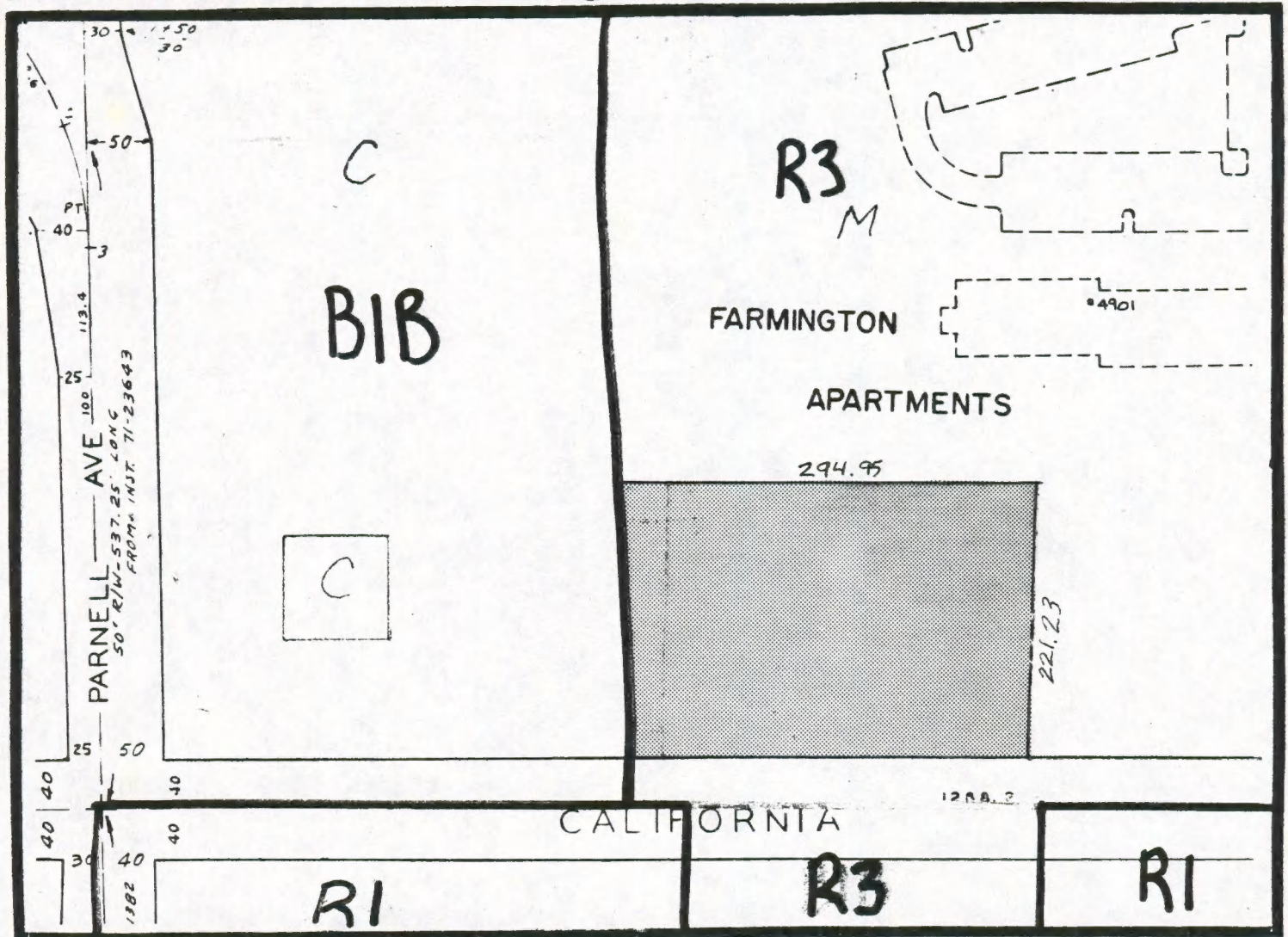
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #315

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R3 DISTRICT TO A B1-B DISTRICT.

MAP NO. O-30

COUNCILMANIC DISTRICT NO. 3



ZONING:

R3 RESIDENTIAL DISTRICT
R1 RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS B

LAND USE:

[C] COMMERCIAL
[M] MULTI-FAMILY

SCALE: 1" = 100'

DATE: 11-1-87

